

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**INSTRUCTIONS AND INFORMATION
FOR COUNSEL APPOINTED TO DEFEND INDIGENT CRIMINAL DEFENDANTS
UNDER THE CRIMINAL JUSTICE ACT**

January 24, 2002

1. **CJA 20 and 21 Vouchers.** The court gave you a CJA Form 20, *Appointment of and Authority to Pay Court Appointed Counsel*, and a CJA Form 21, *Authorization and Voucher for Expert and other Services*, at the time of your appointment. These forms and the documentation supporting your time and expense entries constitute your vouchers for services and reimbursement for expenses.

2. **Filing Deadline.** Your completed vouchers, together with the supporting time-and-expense worksheets, must be filed with the Clerk's Office within **45 days** following the completion of your representation. If you file your vouchers beyond the 45-day limit, you should include a *Motion for Leave to File CJA Voucher(s) Out of Time*, together with a proposed order granting the motion. Your motion should seek to justify the untimeliness in filing your vouchers. Your motion and order will be submitted to the trial judge along with your audited vouchers.

3. **Submission.** Mail the vouchers and the worksheets to:

**Clerk, U.S. District Court
911 Jackson Avenue, Room 369
Oxford, Mississippi 38655-3622**

4. **Review by Clerk and the Presiding Judge.** The Clerk's Office staff will audit your vouchers to ensure that your claims are allowable under the Criminal Justice Act [CJA] and the *Guidelines for the Administration of the Criminal Justice Act* [Guidelines] adopted by the Judicial Conference of the United States. Claims that exceed the limits will be reduced and claims for expenses that are not allowed will be stricken. The judge who presided over your case will review your claims for reasonableness and will set the amount of your compensation.

5. **Compensation Rates:** You may bill for your professional time at rates up to the following limits:

In-Court Time:	\$75 per hour
Out-of-Court Time:	\$55 per hour

6. **Time Reporting Standard.** The Criminal Justice Act and the Guidelines require you to report your professional services in **tenth-of-hour increments** (e.g., 6 minutes = 0.1 hour). **Please do not report your time in hundredths-of-hours or in quarter-hour increments**—such reports usually will be rounded-down during the audit processes.

7. **Compensation Limits.** You are limited by the CJA and the Guidelines to the following maximum charges for professional services (in-court time and out-of-court time) exclusive of your out-of-pocket expenses:

\$5200 Felonies (\$2500 in guilty plea cases), with exceptions for *extended* or *unusually complex* cases.

\$1500 Misdemeanors and petty offenses

\$1200 Proceedings to revoke supervised release and other proceedings required or authorized by the Criminal Justice Act

If you seek payments exceeding these limits, you must submit with your CJA 20 a memorandum or motion supporting and justifying a claim that your representation was in an *extended* or *unusually complex* case and that the excess payment is *necessary to provide reasonable compensation*. These are terms of art. The prudent attorney will draft a supporting memorandum that incorporates these terms where appropriate, consistent with the following considerations:

If the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill, and effort than would normally be required in an average case, the case is *complex*. If more time is reasonably required for total processing than would be required by the average case, including pre-trial and post-trial proceedings, the case is *extended*.

In reviewing claims for compensation in excess of the limits, the trial judge will consider, among other factors, the responsibilities involved as measured by the magnitude and importance of the case; the manner in which your duties were performed; the knowledge, skill, efficiency, professionalism, and judgment required of and used by you; the nature of your practice and any injury thereto; any extraordinary pressure of time or other factors under which representation was rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

Claims-in-excess approved by the presiding judge will be submitted to the Chief Judge of the United States Court of Appeals for the Fifth Circuit for final approval.

8. **Mileage Allowances.** Compute mileage claims at the rate of 36½¢ per mile.

9. **Other Reimbursable Expenses.**

Lodging and Subsistence. Per diem in lieu of subsistence is not allowed. The CJA provides for reimbursements of out-of-pocket expenses for meals and lodging when such are reasonable and necessary. You must attach to your CJA 20 voucher copies of hotel bills.

Telephone Tolls. Charges for *necessary* long-distance telephone calls are reimbursable. Your claims must be itemized to show the date of the call(s), the person(s) called, and the charges.

Photocopying. Claims for *necessary* photocopying must be itemized to show the date of the copy work, the total number of copies made, the charge per page (not to exceed 25¢ per page), and the total charge. Non-itemized photocopying claims will be stricken. Claims for commercial photocopying—but not for commercially-printed briefs—are reimbursable if *necessary*, if itemized as above, and a paid receipt is attached.

10. **Claims Not Allowed.** This is not an exhaustive, all-inclusive catalog of claims not allowed. It is offered as guidance.

- a. Fees and expenses, including travel, of fact witnesses.
- b. Expenses for service of subpoenas.
- c. Gasoline and oil expenses.
- d. Personal expenses of counsel and clients, including haircuts, laundry, and dry-cleaning.
- e. Counsel's travel in transporting the client to and from court.
- f. Costs of **commercially printed** briefs—only photocopying expenses are allowed.
- g. Courier charges and charges for private deliveries, such as Federal Express and UPS.
- h. General office overhead.
- i. Time spent preparing the CJA 20 voucher and supporting documents.

11. **Special Instructions Governing CJA 21 Vouchers.** Prior authorization from the trial judge (or magistrate judge) *must* be obtained for all investigative, expert, or other services

where the cost (excluding reimbursement for reasonable expenses) will exceed \$300.

Failure to obtain prior authorization will result in the disallowance of claims in excess of \$300, unless the trial judge finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

Compensation for investigative, expert, or other authorized services may not exceed \$1000, excluding reasonable expenses, unless the excess amount is certified by the trial judge as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the Chief Judge of the United States Court of Appeals for the Fifth Circuit.

If prior authorization is obtained for investigative, expert, or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the trial judge, further prior authorization for the additional amount.

12. Review Your Claims. Most errors on CJA 20 vouchers arise from inattention to details and from claims for expenses not allowable. Examine your claims carefully; review the extensions and footings and ensure that all entries comport with the time and expense entries on your worksheets.

13. Public Disclosure of Amounts Paid to Appointed Counsel. Under 18 USC § 3006A(d)(4), the amounts paid to appointed counsel under the Criminal Justice Act are disclosable to the public, subject to considerations and limitations appearing in the statute.

14. Prompt Claims Processing. The Clerk's Office standard is day-of-receipt processing for CJA 20 vouchers. Your voucher will be audited and submitted to the trial judge no later than the day following its arrival in the Clerk's Office. You can help us maintain this standard by ensuring that your voucher and supporting documentation are complete, correct, legible, signed, and dated.

15. Call for Assistance. If you have questions not answered by these instructions or those on the CJA 20 voucher, please call the Clerk, in Oxford, at (662) 234-1971.

IN-COURT HOURLY WORKSHEET

CASE NUMBER _____

[illegible]

OUT-OF-COURT HOURLY WORKSHEET

CASE NUMBER _____

[illegible]

OTHER EXPENSES WORKSHEET

CASE NUMBER _____

		Amount Per Item						
Date	Brief Description of Expense	Mileage	Parking	Lodging	Photocopying	Postage	Long Distance Telephone	Other
	Total for Each Item							